

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

MID-CONTINENT CASUALTY CO.

PLAINTIFF

V.

CASE NO. 4:07CV01154 JMM

**ANTHONY SULLIVAN d/b/a SULLIVAN
CUSTOM AGRI SERVICE**

**DEFENDANT/COUNTER
PLAINTIFF**

V.

**GREG GASAWAY, LANCE GASAWAY and
CLINT GASAWAY**

DEFENDANTS

AND

MID-CONTINENT CAUSALTY CO.

PLAINTIFF

V.

CASE NO. 4:07CV01155 BSM

**ANTHONY SULLIVAN d/b/a SULLIVAN
CUSTOM AGRI SERVICE**

**DEFENDANT/COUNTER
PLAINTIFF**

V.

GREG DAY

DEFENDANT

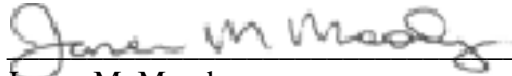
ORDER

Pending is Plaintiff's motion to strike. (Docket #34 in case no. 4:07CV1155). Defendant, Anthony Sullivan d/b/a Sullivan Custom Agri Service has responded. Plaintiff asks the Court to strike this defendant's motion for summary judgment filed November 13, 2008 and reply brief filed December 1, 2008 as untimely. The scheduling order entered in this case set a motions deadline of November 6, 2008. The Court finds that no prejudice or delay will result from considering Defendant's motion, accordingly, the Court will consider all pleadings filed.

Plaintiff is directed to respond to the merits of Defendant's motion within ten (10) days of the entry of this order.

Wherefore, Plaintiff's motion to strike is denied.

IT IS SO ORDERED this 11th day of December, 2008.

A handwritten signature in dark ink, appearing to read "James M. Moody", is written over a horizontal line.

James M. Moody
United States District Judge